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PTO/SB/64/PCT (12-04)

Approved for use through 03/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number
(Optional)
SONN:067US

First Named Inventor: Andreas KUBIN

International (PCT) Application No.: PCT/AT01/00159

U.S. Application No.:
(if known)

Filed: 21 May 2001

Title: Novel Preparation of Hypericin Bonded with Poly-N-Vinylamides

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proper reply

03/17/2005 SMAJARRO 00000098 10527016
01 FC:2453 750.00 OP

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of

Transmittal to United States Designated/Elected Office Concerning a Filing (identify type of reply):
under 37 U.S.C. 371; record copy of International Appl. No. PCT/AT01/00159

08/17/2005 CSM00T 00000000 501212 10527016

01 FC:2631

☒ Is enclosed herewith.

08/17/2005 CSM00T 00000000 501212 10527016
Sale Ref: 00000009 DAH: 501212 10527016
01 FC:2631 150.00 DA

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ENCLOSURE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

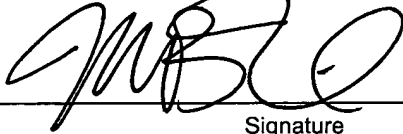
3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

March 7, 2005

Date

Mark B. Wilson

Typed or Printed Name

37,259

Registration Number, if applicable

600 Congress Avenue, Suite 2400

Address

512-536-3035

Telephone Number

Austin, TX 78701

Address

Enclosures: ☒ Response

☒ Fee Payment

☐ Terminal Disclaimer

☒ Other (please identify):

Declaration in Support of Petition for Revival of an International Application Designating the United States Abandoned Unintentionally under 37 C.F.R. 1.137(b); return postcard

EXPRESS MAIL NO: EV 414839731 US
MAILING DATE: March 7, 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Andres KUBIN

Hans Günther LOEW

Serial No.: To be assigned

Filed: Concurrently Herewith

For: PREPARATION OF HYPERICIN

BONDED WITH POLY-N-VINYLAMIDES

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: SONN:067US

EXPRESS MAIL MAILING LABEL

NUMBER EV 414839731 US

DATE OF DEPOSIT March 7, 2005

**DECLARATION IN SUPPORT OF PETITION FOR REVIVAL OF AN
INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

I, the undersigned Andreas Kubin hereby declare as follows:

1. I am the co-inventor of the subject matter claimed in the above-captioned application.

2. I am citizen of Austria.

3. I am providing this Declaration in support of a petition for revival of PCT/AT2001/00159 to allow for the filing of a United States nationalization of this PCT application, pursuant to the rules of 35 U.S.C. §371(c).

4. PCT/AT2001/00159 was filed May 21, 2001, and claims priority to Austrian patent application A 896/2000, filed May 23, 2000. As such, I now understand that the deadline for nationalizing PCT/AT2001/00159 into the United States was November 23, 2002.

5. The entire delay from November 23, 2002, until the filing of the Petition Under 37 C.F.R. §1.137(b) and United States application filed pursuant to 35 U.S.C. §371(c) submitted herewith was unintentional, for the reasons set forth below.

6. I am, together with Mr. Hans Günther Loew, an individual inventor of the instant application. Mr. Loew and I were managing the prosecution of the Austrian, PCT, and national counterpart applications on our own behalf.

7. Prior to the time when national applications were to be filed, we divided between the two of us the geographical responsibility for filing, prosecuting, and maintaining patents for the subject matter of the instant application. In this regard, each of us undertook the financial and administrative responsibilities for various jurisdictions. During the course of this division of responsibilities, we both mistakenly understood that the other was to take responsibility for the nationalization of PCT/AT2001/00159 in the United States. Further, because each of us thought that the other was handling the United States nationalization, neither of us attended to, nor hired counsel to attend to, the filing of such an application. At all times we intended for the application to be nationalized into the United States

8. Because each of us thought that the other was responsible for the filing of the United States nationalization of the PCT application, such nationalization did not occur by the November 23, 2002, deadline. We only very recently discovered that such a nationalization had not been filed. Upon discovery of this fact, I consulted with my counsel in Austria who contacted United States patent counsel and instructed the United States counsel to immediately begin the process of reviving PCT/AT2001/00159 and filing a United States nationalization of that application.

9. I declare that all statements made of my knowledge are true and all statements made on information are believed to be true; and, further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereupon.

Date: 3rd March, 2005



Andreas KUBIN